

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 09-286

V.

*

SECTION: “N”

JESUS ANTONIO ARANGO-RAMIREZ

*

a/k/a Jesus Antonio Arango

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FACTUAL BASIS

_____ Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **JESUS ANTONIO ARANGO-RAMIREZ** (hereinafter “**ARANGO**”) has agreed to plead guilty as charged to count two of the two-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

The captain of the M/V IVS Kanda would testify that just before midnight on August 23, 2009 in Plaquemines Parish, Louisiana, his crew discovered that one of the vessel’s life rings was missing and saw someone in the Mississippi River swimming away from the vessel to the river bank. The captain alerted U.S. Customs and Border Protection (hereinafter “CBP”) that a possible stowaway had taken the life ring. A search of the vessel’s vicinity for evidence of the stowaway by CBP officers and the Plaquemines Parish Sheriff’s Office resulted in the discovery of the M/V IVS

Kanda's missing life ring, Venezuelan business cards and a cell phone near the base of the levee on the bank of the Mississippi river. A Plaquemines Parish Sheriff's deputy would testify that he encountered an individual suspected of being the stowaway on August 25, 2009 and notified CBP. The CBP officers subsequently questioned the individual at the Plaquemines Parish Jail and determined that he was **ARANGO**, the defendant.

A CBP Border Patrol Agent (hereinafter "Agent") would testify that upon questioning **ARANGO** under oath after being read him his *Miranda* rights, the defendant stated that he was a citizen of Colombia, was illegally in the United States, and had previously been removed. **ARANGO** further admitted that he came to the United States from Venezuela aboard the M/V IVS Kanda without the crew's knowledge. The Agent confirmed the defendant's illegal status through the CBP computer database.

Documentation from the records of Immigration and Customs Enforcement contained in the defendant's Alien file, including the Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **ARANGO**, was removed from the United States to Colombia on or about February 25, 2005, at or near Alexandria, Louisiana. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual documented in the Immigration and Customs Enforcement Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **ARANGO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

ROBERT WEIR Special Assistant United States Attorney	Date
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JESUS ANTONIO ARANGO-RAMIREZ Defendant	Date
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VALERIE JUSSELIN Attorney for Defendant	Date
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